

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAUN DELMORE MORTENSON,

Defendant.

CR-06-39-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 14, 2022. (Doc. 428.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 13, 2022. (Doc. 424.) The United States accused Shaun Mortenson, (Mortenson) of violating his conditions of supervised release 1) by viewing materials depicting sexually explicit conduct; 2) by possessing materials depicting sexually explicit conduct; 3) by

possessing children's undergarments; and 4) by failing to successfully complete his sex offender treatment program. (Doc. 421.)

At the revocation hearing, Mortenson admitted to violating the conditions of his supervised release 1) by viewing materials depicting sexually explicit conduct; 2) by possessing materials depicting sexually explicit conduct; 3) by possessing children's undergarments; and 4) by failing to successfully complete his sex offender treatment program. (Doc. 424.) Judge Johnston found that the violations Mortenson admitted proved to be serious and warranted revocation, and recommended revocation of Mortenson's supervised release and recommended a custodial sentence of 7 months, with a lifetime of supervised release to follow. (Doc. 428.) Mortenson was advised of his right to appeal and his right to allocute before the undersigned and he waived those rights. (Doc. 424.) The violations prove serious and warrant revocation of Mortenson's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 428) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Shaun Delmore Mortenson be sentenced to the Bureau of Prisons for 7 months, with a lifetime of supervised release to follow.

DATED this 3rd day of January, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court